

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Elijah White,)	C/A No. 0:14-cv-0139 DCN
)	
Plaintiff,)	
)	
vs.)	<u>O R D E R</u>
)	
Pitt County Sheriff Department,)	
)	
Defendant.)	
)	

The above referenced case is before this court upon the magistrate judge's recommendation that the complaint be summarily dismissed without prejudice and without issuance and service of process.

This court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).¹ **Objections to the magistrate judge's report and**

¹In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of what is required.'" Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the consequences at the

recommendation were timely filed by plaintiff on April 30, 2104.

In his objections, plaintiff requests that the instant case be transferred to North Carolina, as there is an existing case on this matter. After a review of the record, it is therefore

ORDERED that this case be **TRANSFERRED** to the United States District Court for the Eastern District of North Carolina for association with the existing case of White vs. Pitt County Sheriff Department, Civil Action Number 5:14-ct-3021-D. The clerk's office is directed to transmit the complete record in this case to that district.

IT IS FURTHER ORDERED that the Magistrate Judge's Report and Recommendation is hereby termed as **MOOT**.

AND IT IS SO ORDERED.



David C. Norton
United States District Judge

May 8, 2014
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure

appellate level of his failure to object to the magistrate judge's report.